S.B.CIVIL WRIT PETITION NO.4010/2006

N.Balasubramanian
v.
Raj.State Mines & Minerals Ltd. & Ors.

Date of Order :: 15th November, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Dr. Sachin Acharya, for the petitioner.
Mr. M.R.Singhvi, for the respondents.

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By this petition for writ a direction is sought by the petitioner for the respondents to release his pending retiral benefits with interest and also in alternative to quash the charge sheet dated 30.4.2004. It is also prayed that without prejudice to the above the respondents be directed to complete the disciplinary proceedings within a stipulated period.

In reply to writ petition the respondents in para 9 of it have stated as under:-

> "That the contents of para no.9 of the writ petition are not admitted in the manner they have been alleged and the same are denied. In this regard, it is submitted that regular inquiry was instituted after approval of the Board on 27th August, 2004. According to the Rules of RSMML and inquiry against a retired employee can only be instituted after the approval of the Board. However, in the present case, the petitioner was served with the charge sheet while he was in service. However, with regard to retirement benefits,

except 10% of the amount of encashment of unavailed privilege leave has already been paid to the petitioner.

There was no intention to delay the inquiry on the contrary the company has taken every possible care to expedite the inquiry. The inquiry officer was appointed on 12.10.2004 and he submitted his report on 19.4.2005. On examination, it was found that the inquiry officer had ignored many important aspects which carrying out inquiry, therefore, comments of the management were sent to the inquiry officer on 30th May, 2005. Thereafter, the inquiry officer after almost five months submitted his final comments on 24.10.2005. Then in the immediate next Board meeting held on 24.11.2005, the entire factual report alongwith the comments of the inquiry officer as well as observations of the management were submitted to the Board for direction. Suffice it to state that after protracted discussions on various issues, which had seriously affected the project mainly due to absence of scientific studies at appropriate time, the Board wanted to examine the case in more detail, in the light of experimental mining that is being conducted on site. In the meantime, responding to the request made by the petitioner, 90% of his anavailed PL encashment was paid to him retaining only 10% of the amount i.e. Rs.17,615/- till the final decision is taken by the Board and which shall be dealt with as per the decision of the disciplinary authority."

From perusal of the facts stated in para 9

referred above it is apparent that a substantial amount of retiral benefits has already been given to the petitioner and the inquiry is also reached at its final stage.

In view of this factual background without entering into merits of the case I consider it appropriate to direct respondent Rajasthan State Mines & Minerals Ltd. to conclude the disciplinary proceedings against the petitioner within a period of two months from today.

The petition for writ is disposed of accordingly with no order to costs.

(GOVIND MATHUR),J.

kkm/ps.